

**WRITTEN EVIDENCE FROM THE ASSOCIATION OF EDUCATIONAL PSYCHOLOGISTS**

**TO**

**CHILDREN, YOUNG PEOPLE AND EDUCATION COMMITTEE**  
**Y PWYLLGOR PLANT, POBL IFANC AC ADDYSG**

**ON**

**THE ADDITIONAL LEARNING NEEDS AND EDUCATIONAL TRIBUNAL BILL**  
**AND DRAFT CODE OF PRACTICE**

**Introduction**

In principle the aims and objectives of the Bill, and the potential it has to improve the life opportunities for all children and young people with Additional Learning Needs, is very much to be welcomed.

The AEP, the trade union and professional body for all Educational Psychologists (EPs), have consistently maintained during previous consultations that for the Bill to be a success:

- The critical role of EPs in all complex cases (including working with multi-agencies) must be recognised on the face of the Bill and in the Code of Practice
- There will only be the required transformation in support for all those with additional learning needs if there is sufficient resourcing – the system is currently underfunded and under strain and the Bill will inevitably, and quite rightly, raise aspirations and expectations. EP services will need to be properly resourced in order to meet:
  - (i) increased training needs as well as ongoing CPD, support and advice to ALNCoS, teachers, head teachers, classroom assistants and others in schools and FEIs (NB the latter is a new responsibility)
  - (ii) increased demands in helping and advising parents and carers as the new system will initially create increased anxiety and confusion.

This submission discusses these two key issues alongside a range of other critical concerns that AEP's members in Wales have raised and believe that the Committee should consider further:

- The increase in the age range from 0-25, including pre-school and post 16 support
- Collaboration with health services
- Delegation of funding to schools
- Education Tribunals Wales
- Providing services in Welsh
- Parental engagement
- Looked after children
- ALNCo qualification

## **1. Statutory recognition of role of EPs**

The AEP have advocated that the essential role of Educational Psychologists in all complex cases referred to the local authority should be recognised on the face of the Bill and/or in any associated Regulations, as well as in the Code of Practice.

Although the Bill in general goes further than England provision, it would be erroneous to create a new statutory system where children with complex cases in Wales had less access to EPs than they would in England. Moreover, without statutory protection there is a danger that children would be further disadvantaged because local authority EP services may be subject to further cuts.

It is therefore welcomed that the draft Code of Practice clearly states in para 9.2.12

*Upon referral the local authority must engage with an educational psychologist.*

However, this prescription is not on the face of the Bill itself and the final version of the Code – which will be subject to a further round of consultation – it is understood will not be published until the Bill has become law. Therefore, the AEP would like to receive reassurances that this feature of the Code is sacrosanct and will not be subject to further amendment or ‘watering down.’

The AEP also believe the Committee should seriously examine paragraph 9.2.10 which states

*Before referring a case to the local authority the school should consider consulting an educational psychologist to see whether this is appropriate.*

In the AEP’s opinion the use of the phrase ‘should consider consulting’ invites schools to treat this part of the process as discretionary and ultimately, given financial constraints, liable to not happening in practice. In line with the AEP’s longstanding position on this matter it would suggest that the phrase should be ‘must consult.’ This would have the added benefit of maintaining links between every school and their local authority based Educational Psychology Service. Without it the danger is that EP Services become divorced from the schools that they serve and children and young people with the complex needs lose access to specialist assessment and intervention.

## **2. The need for properly resourced EP services across Wales**

As stated above, to successfully implement the Additional Learning Needs and Education Tribunal Bill inevitably means issues are raised in terms of training and capacity. Meeting these will be challenging given the context of existing diminished capacity. This is due to the demographics and changing gender balance of the workforce as well increasing demands for input and support and lost, and unfilled, posts due to local authority reduced budgets. A note on these issues is appended.

The proposal to have a transition period of 4 years with a phasing in of the new system, is therefore welcomed. With such radical changes there is a need for a comprehensive programme of training and on-going support for all staff involved in the process.

However, training and supporting staff will require significant resources in terms of finance and time. One of the first steps will be to convert existing statements of special education need into IDPs and to then convert existing IEPs into IDPs. EPs have the expertise to provide much of this training in conjunction with others professionals.

The AEP is engaged in discussions with the Welsh Government regards these matters however a strong and clear message from the Committee that these issues are *mission critical* for the success of the Bill would be both helpful and appropriate. Would the Committee consider asking the Welsh Government to direct local authorities to employ more EPs and expand services, rather than making any further cuts?

In addition, and notwithstanding that this would not produce results for three years, serious considerations should be given by the Committee to recommending now a substantial increase in the number of postgraduate training places in Cardiff University from the current level of just 11 per year. It should be noted that between 2012 and 2018 there has been a 25% increase in commissioned university places for initial training of EPs in England from 120 to 160 – in Wales there has been no increase at all.

### **3. Other key concerns**

#### ***Increase in the Age Range to 0-25***

Overall this extension in the age range covered will increase pressure on capacity and there will therefore be a need for additional EPs as a result of increased workload. There will be an increase in IDPs and an increase in disagreement resolution and appeal to Education Tribunals. The need for far greater staff training, provided by EPs, will intensify.

#### ***Pre-School Children***

There is currently not enough detail or clarity in the Bill on the process of ensuring support from birth to entry into school. For example, many Pre-school children will only come to the notice of the local authority through contact from the Health Service. As currently drafted the Bill says that if the Health Authority believe that a child has ALN it has *the discretion* to discuss with child's parent re referral. Shouldn't this be mandatory otherwise there is the risk that some children may slip through the net? If the Health Authority does not notify the LA how will the latter know if there is a child for whom it is responsible?

In some parts of Wales – such as Neath Port Talbot - there is already a dedicated EP team for children in the Early Years including all settings from the age of 0-5. The AEP would like to see this type of service offered to all non-maintained settings with pre-school children with ALN. We feel that this would ensure a consistent approach into formal education. In Neath Port Talbot the 'Flying Start' service which has dedicated EP input has massively reduced the waiting time for developmental assessment from 9 months that is typical elsewhere in the country.

The Committee may wish to consider recommending that the provision of such an Early Years EP service is compulsory? Certainly an EP is an essential to advising on and ultimately improving outcomes because they can provide advice on target setting for children's learning plans and strategies which could include teaching approaches, improvements to learning environments, advice on curriculum materials and behaviour support. Most importantly they ensure a joined up approach with Educational Psychologists attending meetings with Community Paediatricians, Dietetics, Social Services, Occupational Therapy, Physiotherapy and Specialist Health Visiting.

There will also be an additional increase in duties that local authorities will be responsible for in relation specifically to further education institutions. However, there is currently a lack of clarity about how a local authority which takes on responsibility for an IDP for a young person in a Further Education setting will be funded. It is worth noting the legislation as drafted means a local authority cannot direct a FEI to prepare or maintain an IDP.

There can be no doubt that if this duty passes to local authorities there will be accompanying and significant costs associated with supporting these pupils. How will local authorities be given sufficient finance or is this a way of passing cuts on to the LA. Again there are staffing implications with regard to the number of EPs available to undertake these specialist assessments and to provide support and training to FEIs and to specialist providers.

### ***Collaboration with Health Services***

The Designated Education Clinical Lead Officer (DECLO) role in the Bill is welcomed and also the requirement that the Health Authority now has a statutory duty to consider relevant treatments or services. If the health authority agree that this is the case and it is written into the IDP it must be provided. However, there is no disagreement service to resolve any areas of contention and no right of appeal to education tribunals over health provision or lack of it. This anomaly warrants further consideration by the Committee which may like to consider recommending that in paragraph 18.34 of the Code it should read 'The DECLO **must** (rather than should) consider whether the involvement of health bodies in the arrangements can help to resolve disagreements and partake in the arrangements where they believe this to be the case'.

### ***Delegation of Funding to Schools***

AEP wish to draw the Committee's attention to the fact that there is increased delegation of funding to schools and that this varies from authority to authority. However, it is important that local authorities retain sufficient funds to meet their statutory obligations. There is also a need for a sufficiently robust mechanism, and procedures to be in place, to ensure that funding delegated to schools to meet the needs of CYP with ALN is used appropriately.

### ***Education Tribunal Wales***

As all IDP's become statutory this expands the number of CYP who are eligible to appeal to the Educational Tribunal Wales (ETW). The new system also increases the stages in the process where the CYP can appeal against a decision made by the school and/or LA including:

1. School considers CYP does not have ALN but parents disagree and want the LA to decide.
2. CYP has an IDP but parents are unhappy with the content, parents can ask the LA to revise the IDP.
3. A CYP has ALN and LA is notified of this. The LA has to decide if in fact the CYP has ALN and if so what action to take.
4. IDP in place and school want to cease to maintain this. Parents can appeal to LA.
5. IDP is in place. Parents and school think that school do not have resources to meet the CYP's needs and ask LA 'to maintain' the IDP.

This will inevitably increase the workload for LAs and has the potential to markedly increase the number of Tribunals with an increased workload for EPs who are frequently called to provide evidence and opinion to the panel at the Tribunal hearing.

Under the current system the parents and CYP can appeal to the Tribunal without prior notification to the local authority. A great deal amount of work goes into preparing a case and there are occasions when the LA would have resolved the issue for example by giving the provision requested if given prior notice that this was the issue in contention. The Committee should reassure itself that under the new system the LA is notified prior to the appeal being lodged.

### ***Providing Services in Welsh***

This is written in to the Bill and the Code. Some of the EP Services in Wales do not have any EPs who are sufficiently fluent in Welsh to provide such a service if requested. However, services could have reciprocal arrangements with other services that do have Welsh speakers. Some areas such as Gwynedd Ynys Mon that conduct all business through the medium of Welsh have difficulty in recruiting a sufficient number of EPs.

EPs will not be the only professionals where there is a lack of sufficient numbers of Welsh speakers and therefore it is encouraged that the Committee consider this aspect of the Bill.

### ***Parental Engagement***

Transparency, advice and advocacy for parents are vitally important. The Welsh Government should consider instructing LA and HA to produce clear information for parents and others about the local provision on offer. In addition, information, advice and provision needs to be revised and mapped out, and the information shared on a regional basis.

### ***Looked After Children***

The fact that the Bill requires the IDP to be incorporated into the personal education plan (PEP) of the child who is looked after and that the 'looking after local authority' becomes responsible for maintaining the IDP is a positive move. However, the Bill does not describe how the IDP is incorporated into the review processes and the level of importance that it holds within the PEP when it comes to decision-making. The Code should address this point. Moreover, the mechanism for resolving disagreement or disputes relating to provision, is not clear.

### ***ALNCo Qualification***

At the present time not all ALNCoS are qualified teachers. The Bill requires all ALNCo to be qualified teachers and acquire a Masters qualification. The AEP supports QTS for ALNCoS and the need for ongoing further specialised training. It is recognised that if this is provided by way of a Masters qualification there would be major workforce and cost implications. The Committee may wish to consider a range of options to provide this ongoing specialist training which could be supported by EPs at a local/regional level.

## APPENDIX

### FURTHER INFORMATION ON FACTORS TO CONSIDER REGARDS WORKFORCE ISSUES FOR EPS

**Gender imbalance** – increasingly there are now very few men entering the profession. Undergraduate psychology courses have very few male students who anyway seem to favour careers in clinical and forensic psychology. This gender imbalance carries on to EP postgraduate courses and through to the profession.

**Part time working** - a large number of EPs are currently working part time, frequently because of family and care commitments. There are also EPs on the verge of retiring who want to work part time as a prelude to retirement.

**The age profile of the profession** – A large number of EPs are aged over fifty and are likely to be retiring within the next decade or so.

#### **Increasing demands on EPs –**

- School improvement - EPs have a large part to contribute to school improvement although this has not been fully recognized in Wales and EP skills remain underutilized in some areas.
- Changes in Legislation – There will be changes to the Code of Practice and assessment and ‘statementing’ process of children with ALN. There will be a need for additional EP staffing to deal with this demand and for the training and support that will be need to be given to teachers and others.
- 0-25 age range – There is a need for extra EPs in order to cope with this increased workload.

#### **Lost Posts**

A number of EP posts have been lost from establishment because of financial cuts. Also when EPs decide to work part time there is often no replacement cover for the hours lost. There is a shortage of EPs in Wales and there have been difficulties in recruiting locum staff to cover absences such as maternity leave and sickness absence. However, there are instances where temporary cover is available but funding has not been released.

#### **Excessive Workloads**

All these factors have led to excessive workloads. Many EPs work far longer than their contracted hours and often have to deal with their own admin. Most EPs now have to type their own reports and deal with many other aspects of admin such as arranging appointments, filing etc. In order to fulfil service level agreement with schools, etc., much of the admin has to be done at evenings and weekends.

#### **Welsh Speaking EPs**

As outlined in the main response there is an insufficient supply of Welsh speaking EPs in some areas particularly in North Wales. This could have implications particularly when the new legislation is enacted.

### **DEdPsy Doctoral Training Course**

There is one course in Wales based in Cardiff. The course was under threat of closure a few years ago and only saved because of vigorous lobbying by the AEP. If an EP trains on a DEdPsy Training Course in England and is funded by the DfE and/or an English LA they must work in England for a minimum of 2 years or re pay the funding. This means that those who go to England to train must spend a minimum of five years in England and they then tend to stay in England.

### **EP career prospects in England**

Currently there is a shortage of EPs in England and some English local authorities are offering attractive packages to recruit EPs. There has been a drift over the border for some EPs working in the East Wales authorities. To attract EPs to work and remain in Wales there is a need to have more favourable working conditions.

***For more information and to contact AEP General Secretary, Kate Fallon, please call Steve Barwick on 07826 872375***